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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BEHNCKE, CHRISTINE M	
ART UNIT	**PAPER NUMBER**
3661	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/652,257	ADACHI, SHINYA	
	Examiner	Art Unit	
	Christine M. Behncke	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *29-32 and 40-43* is/are allowed.

6)☒ Claim(s) *18,20-28,33-39 and 44* is/are rejected.

7)☒ Claim(s) *19, 35-37* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to the Amendment and Remarks filed 20 June 2005, in which claims 1-44 were presented for examination.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-13 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 respectively, of U.S. Patent No. 6,662,101. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the present application are broader and encompass the subject matter of the patented claims. Specifically the independent claim of the present invention lacks limitations regarding the event information claimed in the preamble.

Claims 14-17 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 14-17 respectively, of U.S. Patent No. 6,662,101. Although the conflicting claims are not identical, they are not

patentably distinct from each other because the claims of the present application are broader and encompass the subject matter of the patented claims. Specifically the independent claim of the present invention lacks limitations regarding event information.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 38 and 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 38 recites the limitation "computer readable program" in lines 4. There is insufficient antecedent basis for this limitation in the claim. The Examiner suggests changing line 3 “computer usable medium” to --computer readable medium--.

Claim 39 recites the limitation "computer readable program" in lines 5. There is insufficient antecedent basis for this limitation in the claim. The Examiner suggests changing line 5 “computer usable medium” to --computer readable medium--.

Claim Objections

Claim 35 objected to because of the following informalities: line 7 “the target road section” lacks antecedent basis; there is only a prior limitation of a road section (line 2). Appropriate correction is required.

Claim 36 objected to because of the following informalities: line 6 "the target road section" lacks antecedent basis; there is only a prior limitation of a road section (line 2-3). Appropriate correction is required.

Claim 37 objected to because of the following informalities: line 6 "the target road section" lacks antecedent basis; there is only a prior limitation of a road section (line 2-3). Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18, 20-28, 33-39 and 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al., US Patent No. 6,249,740.

(**Claim 18**) Ito et al. discloses a method for identifying position of a target road section on a digital map, said method comprising the steps of: at a transmitting side having a first digital map (navigation base, database 150); creating position information of the target road section on a first digital map, wherein said position information includes coordinate information of nodes selected from the target road section (Column 14, line 61- Column 15, line 1, figure 7B); sending said position information of the target road section (Column 14, lines 49-54); at a receiving side having a second digital map

(vehicle navigation apparatus 100, data storage 103 and display 106), receiving said position information of the target road section (Column 19, lines 47-62); calculating a path connecting said selected nodes on the second digital map based on said coordinate information (Column 16, lines 21-36 and Column 19, lines 47-58); and identifying position of said target road section on the second digital map based on the calculated path (figure 11A, Column 9, lines 19-25 and Column 19, lines 47-58).

(**Claim 20**) Ito et al. further discloses wherein said nodes are intermittently selected from the target road (figure 11A and 6).

(**Claim 21**) Ito et al. discloses a method for identifying position of a target road section on a digital map, said method comprising the steps of: at a transmitting side having a first digital map (navigation base, database 150); creating position information of the target road section on a first digital map, wherein said position information includes nodes intermittently selected from said target road section and representing said target road section, coordinate information of the selected nodes (Column 14, line 61- Column 15, line 1, figures 6, 7B and 11A), and supplementary information (figures 2A and B); sending said position information of said target road section (Column 14, lines 49-54); at a receiving said having a second digital map (vehicle navigation apparatus 100, data storage 103 and display 106); receiving said position information of said target road section (Column 19, lines 47-62); calculating a path connecting the selected nodes on a second digital map with referring to at least the supplementary information (plotting the node points and displaying the simplified map, Column 16, lines 21-36 and Column 19, lines 47-58); and identifying position of said target road section

on the second digital map based on said calculated path (figure 11A, Column 9, lines 19-25 and Column 19, lines 47-58).

(**Claim 22**) Ito et al. further discloses wherein said position information includes a node on an intersection (figures 4 and 7C, course-change point at intersection Column 14, line 61- Column 15, line 6).

(**Claim 23**) Ito et al. further discloses wherein said position information includes a node on any points between intersections (figures 2B and 4, Column 12, lines 7-41).

(**Claim 24**) Ito et al. further discloses wherein said position information includes a node in the middle of distance between intersections or in the vicinity of the middle of distance between intersections (figures 4 and 6).

(**Claim 25**) Ito et al. further discloses wherein said supplementary information indicates attribute of the selected nodes (figures 2 and 7).

(**Claim 26**) Ito et al. further discloses wherein said supplementary information indicates attribute of a path between said selected nodes (Column 9, lines 19-25).

(**Claim 27**) Ito et al. further discloses wherein said attribute of nodes indicates any one of a road type, an intercept azimuth, a crossing link angle, and a road name at each node (Column 12, lines 33-49 and Column 11, lines 58-65).

(**Claim 28**) Ito et al. further discloses wherein said attribute of path indicates any one of a length and a road type, of the path (Column 9, lines 19-25 and figure 2A).

(**Claim 33**) Ito et al. discloses an apparatus for providing position information indicating a target road section on a digital map, said apparatus comprising: means for identifying a target road section on a digital map (route search program within system

control section 152, Column 11, lines 32-36); means for intermittently selecting nodes from points arranged on the target road section (figure 11A and 6); means for obtaining coordinate information of the selected nodes (figure 7B); means for creating position information from the obtained coordinate information (Column 14, line 61- Column 15, line 1); and means for transmitting the position information (Column 14, lines 49-54, communication control section 151).

(**Claim 34**) Ito et al. discloses an apparatus for providing position information indicating a target road section on a digital map, said apparatus comprising: means for identifying a target road section on a digital map (recommended or searched route, figure 4); means for selecting a predetermined section from the target road section (course-change section of the recommended route, figure 4); means for intermittently selecting nodes from points arranged on the target road section in such manner that nodes are selected more thickly in the predetermined section than the other section of the target road section (Column 12, lines 33-41, figures 4, 6 and 7D, Column 15, lines 7-22); means for obtaining coordinate information of the selected nodes (figure 7 and Column 12, lines 33-49); means for creating position information from the obtained coordinate information (course-change and guidance information, Column 12, lines 33-49); and means for transmitting the position information (Column 15, lines 35-38).

(**Claim 35**) Ito et al. discloses an apparatus for identifying position of a road section on a digital map at a receiving side based on position information on a digital map at a transmitting side (Column 19, lines 47-62), said apparatus comprising: means for determining position of nodes representing the target road section on the digital map

at the receiving side based on the position information on the digital map at the transmitting side (location coordinates, figure 7A and 4, and Column 19, lines 47-57); means for calculating a path connecting the nodes (figure 11A, Column 9, lines 19-25 and Column 19, lines 47-58); means for identifying position of the road section on a digital map at a receiving side (location coordinates, Column 19, lines 47-65); means for reproducing the road section on a digital map at a receiving side (figure 9A and Column 16, lines 21-27 and Column 15, lines 22-29).

(**Claim 36**) Ito et al. discloses an apparatus for identifying position of a road section represented by position information (figure 7), said apparatus comprising: means for determining position of nodes representing the target road section based on the position information (Column 11, lines 47-60 and Column 12, lines 33-41); means for calculating a path connecting the nodes (Column 11, lines 32-36 and lines 47-60); means for identifying position of the road section (Column 12, lines 33-41 and figures 2A and 7B); and means for reproducing the road section (figure 9A and Column 16, lines 21-27 and Column 15, lines 22-29); wherein said position identification means identifies the position of the target road section based on the coordinate information of at least one of the nodes included in the position information (Column 11, lines 32-60 and Column 12, lines 33-41).

(**Claim 37**) Ito et al. discloses an apparatus for identifying position of a road section represented by position information (figure 7), said apparatus comprising: means for determining position of nodes representing the target road section based on the position information (Column 11, lines 47-60 and Column 12, lines 33-41); means

for calculating a path connecting the nodes (Column 11, lines 32-36 and lines 47-60); means for identifying position of the road section (Column 12, lines 33-41 and figures 2A and 7B); and means for reproducing the road section (figure 9A and Column 16, lines 21-27 and Column 15, lines 22-29); wherein said position identification means identifies the position of the target road section based on the coordinate information of at least two of the nodes included in the position information (figures 4 and 11, Column 11, lines 32-60 and Column 12, lines 33-41).

(**Claim 38**) Ito et al. discloses a program product for creating and transmitting position information, said program product comprising a computer usable medium including therein a computer readable program code, said computer readable program code comprising: program code means for creating position information of a target road section on a first digital map (Column 9, lines 19-25 and figures 4 and 11), wherein said position information includes nodes intermittently selected from points of the target road section and representing the target road section (Column 9, lines 19-25 and figures 7 and 11); and program code means for transmitting said position information to a receiving side having a second digital map (Column 15, lines 22-29 and 35-38 and Column 16, lines 21-27).

(**Claim 39**) Ito et al. discloses a program product for receiving position information and identifying a position of a target road section represented by the position information, said program product comprising a computer usable medium including therein a computer readable program code, said computer readable program code comprising: program code means for receiving the position information including

coordinate information of nodes selected from points arranged on the object on a first digital map (Column 9, lines 19-25, Column 15, lines 35-38 and figures 4 and 11); program means for calculating a path connecting the nodes (Column 16, lines 21-36 and Column 19, lines 47-58); program code means for identifying position of the object on a second digital map based on the coordinate information and the calculated path (figure 11A, Column 9, lines 19-25 and Column 19, lines 47-58).

(**Claim 44**) Ito et al. discloses a method for identifying a road section on a digital map on a receiving side with reference to location information on a digital map at a transmitting side (Column 19, lines 47-62), the method comprising the steps of: identifying plural points on the digital map at the receiving side with reference to the location information on the digital map at the transmitting side (location coordinates, Column 19, lines 47-57); calculating a path connecting the plural points on the digital map at the receiving side (figure 11A, Column 9, lines 19-25 and Column 19, lines 47-58); identifying the road section on the digital map at the receiving side based on the path (figures 11A and B, Column 19, lines 47-65).

Allowable Subject Matter

Claim 19 is objected to as being dependent upon a rejected base claim and are at present considered to overcome the prior art of record if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 29-32 and 40-43 are at present considered allowable.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 29 is indicated as allowable because the prior art of record does not teach, suggest or disclose the combination of a transmitting side creating position information of a target road section of a first digital map, wherein said position information includes at least part of nodes selected from the target road represent a shape of a predetermined section of the target road section; and a receiving side having a second digital map, identifying position of the predetermined section on the second digital map by using said shape.

Claim 40 is indicated as allowable because the prior art of record does not teach, suggest or disclose the combination of identifying a first road section on a first digital map and identifying a second road section by identifying a plurality of second points, corresponding to a first plurality of points, on a second map with reference to the location information of the first plurality of points; calculating a path connecting the second plural points on the second map; and identifying the second road section on the second map based on the path.

Claim 41 is indicated as allowable because the prior art of record does not teach, suggest or disclose the combination of identifying a first road section on a first digital map and identifying a second road section by identifying a plurality of second points, corresponding to a first plurality of points, on a second map with reference to the location information of the first plurality of points; identifying a second predetermined section, corresponding to a first predetermined section, on the second digital map

based on the plural second points; and identifying the second road section on the second map based on the second predetermined section and the positional information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

08-25-2005